

## **REMARKS**

The Final Office Action mailed March 20, 2008 has been received and carefully noted. Claims 1-5 and 7-28 are pending in the subject application. Claims 2-5 and 12-28 have been withdrawn and claims 1 and 7-11 are currently under consideration.

Claims 1, 7, and 8 have been amended and claim 6 has been canceled herein. The amendments do not add any new matter; entry thereof is respectfully requested. A listing of claims can be found on pages 2-6 of this Reply.

Favorable reconsideration of the pending claims is respectfully requested in view of the amendments and the following comments.

### **I. Rejection of Claims 1 and 11 Under 35 U.S.C. § 102(b)**

Claims 1 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,115,964 to Montrouil. It is respectfully requested that these rejections be withdrawn for at least the following reason. Montrouil does not describe each and every element of the claims.

In particular, amended independent claim 1 recites:

A window framing system, comprising:

a plurality of pieces that are structural components of a primary frame, the pieces being preformed and to be assembled so as to build the frame at a job site, wherein the pieces include a sub-frame and a base,

the sub-frame having a corner to receive a glazing unit,

the sub-frame has an elongated portion with an L-shaped cross-section that defines said corner, the L-shaped cross-section having a) a first segment in which there are a first plurality of holes through which the sub-frame is to be secured to one of a head, jamb, and sill at the job site, and b) ***a second segment perpendicular to the first segment with a cavity therein that runs lengthwise through a substantial part of the elongated portion,***

the base to be assembled with the sub-frame so as to secure the glazing unit in the corner.

(emphasis added). Montrouil does not disclose all the limitations as currently amended.

The Examiner indicates that Montrouil discloses the cavity “at the top of part 7” of Figure 2 (*See* Final Office Action mailed March 20, 2008, pg. 3). However, this “cavity” does not run “lengthwise through a substantial part of the elongated portion” (*See* independent claim 1). Rather the notch in the leg member is limited to a short length just above item 7. Therefore, Montrouil does not disclose all the limitations of the sub-frame as recited in amended independent claim 1.

Claim 11 depends from independent claim 1. For at least the same reasons regarding amended independent claim 1, Montrouil does not describe each and every element of claim 11. Withdrawal of these rejections is respectfully requested.

## **II. Rejection of Claims 6-7 and 9-10 Under 35 U.S.C. § 102(b)**

Claims 6-7 and 9-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Montrouil. Claim 6 has been canceled; its rejection is moot. Each of these dependent claims depend from independent claims 1, thus incorporating the limitations thereof. For at least the reasons regarding amended independent claim 1, Montrouil does not describe each and every element of these dependent claims. The Applicant respectfully requests that these rejections be withdrawn.

## **III. Rejection of Claims 6-8 Under 35 U.S.C. § 102(b)**

Claims 6-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,746,032 to Koike *et al.* (Koike). Claim 6 has been canceled; its rejection is moot. Koike also does not describe each and every element of the claims. As similarly described above, Koike also does not disclose “the sub-frame ... having ... *a second segment perpendicular to the first segment with a cavity therein that runs lengthwise through a substantial part of the elongated portion*” as recited in amended independent claim 1.

The Examiner contends that Figure 2, items 22 and 8 of Koike correspond to the sub-frame and “the space to the left of where 22 is” corresponds to the cavity (*See* Final Office Action mailed March 20, 2008, pg. 4). However, independent claim 1 sets forth a cavity **in** the

sub-frame, not as a space adjacent to a sub-frame. Thus, Koike does not disclose the sub=frame of independent claim 1.

Claims 7 and 8 depend from independent claim 1; thus Koike doesn't disclose each and every element of these dependent claims. The Applicant respectfully requests that these rejections be withdrawn.

### CONCLUSION


In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-8300.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted to the United States Patent and Trademark Office electronically via EFS Web on the date shown below.

  
Robert Flore

5/21/08  
Date